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(HANSARD)

Thursday, October 4, 2018

The Honourable GEORGE J. FUREY,
Speaker

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(Daily index of proceedings appears at back of this issue).

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THE SENATE

Thursday, October 4, 2018

The Senate met at 1:30 p.m., the Speaker in the chair.

Prayers.

MISSING AND MURDERED INDIGENOUS WOMEN AND GIRLS

SILENT TRIBUTE

The Hon. the Speaker: Honourable senators, this is a day to honour the lives of Missing and Murdered Indigenous Women and Girls, and I therefore invite you to rise for a minute of silence in their memory.

(*Honourable senators then stood in silent tribute.*)

SENATORS' STATEMENTS

SISTERS IN SPIRIT VIGIL DAY

Hon. Lillian Eva Dyck: Honourable senators, for the second year on this day, we have started off our chamber sitting with a solemn moment of silence. Today is October 4, the day we remember and honour the missing and murdered Indigenous women and girls. I want to thank Your Honour and all the senators today for allowing each of us to have a moment of silence to honour the victims, the survivors and the families of these lost Indigenous women and girls.

The history of the October 4 Sisters in Spirit Vigils should be well known to all of us. Today marks the thirteenth annual October 4 Sisters in Spirit Vigil day held in Canada. The October 4 Sisters in Spirit Vigils are powerful moments of social change. The number of SIS Vigils has grown from 11 in 2006 to an impressive 212 vigils last year.

Today, the Native Women's Association of Canada held the thirteenth annual vigil in Ottawa from 11 a.m. until 1 p.m. at the University of Ottawa in an event co-hosted by the Indigenous Resource Centre, the Indigenous Students Association and the University of Ottawa.

Relying on historical data, we are experiencing roughly 30 to 40 Indigenous women and girls a year being murdered or made missing. It is a stark reminder to us all that even though the federal government finally took action to establish a national inquiry, and that inquiry is doing the necessary work of hearing from the victims and families, there is still much more that we need to do.

As the numbers continue to grow, the urgency has never been clearer. Just this week, we heard the story of Mary Madeline Yellowback, a 33-year-old Indigenous woman from Gods River, Manitoba. Mary was found dead in a recycling depot in an industrial area in Winnipeg's northeast corner last Friday evening. The words of Mary's father, Rex Ross, are truly heartbreaking:

> I never realized it would be me who would lose a daughter through this tragic event of being destroyed, her life being cut short.
>
> We were so fortunate that she was dumped in recycling . . . .

"Dumped in [a] recycling [bin]." Those words clearly and unfortunately encapsulate how Indigenous women and girls are viewed in Canadian society: as something that can be thrown out, recycled and dumped without a care.

Colleagues, I again appreciate your participation in the moment of silence at the start of our sitting today. However, as Mary's story came forward this week, I wanted to leave you with the words of Commissioner Michèle Audette, who attended the media conference in support of Mary's family. She said:

> Every week, we have to have that moment of silence because we heard through the news that somebody went missing, somebody found dead, somebody disappeared.

Thank you. *Kinanaskomitin.*

Hon. Senators: Hear, hear.

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Father Wayne Dohey, parish priest in Mount Pearl, Newfoundland and Labrador and Constable Daniel Morrissey of the Royal Newfoundland Constabulary. They are the guests of the Honourable Senator Manning.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

CANADIAN SPORT AWARDS

Hon. Paul E. McIntyre: Honourable senators, the forty-first Canadian Sport Awards were held on September 20, 2018, as part of the twenty-sixth annual AthletesCAN Forum. Many of Canada's top winter and summer athletes gathered in Ottawa for the event, which had not taken place in the city since 2012.

As a guest of Senator Deacon and Senator Petitclerc, I had the privilege of attending this event. Hosted by AthletesCAN, it was first established 45 years ago to showcase excellence in Canadian sport. It is now recognized as the country's premier event for national sport achievement and leadership recognition.

[*Translation*]

As the collective voice of Canadian national team athletes, AthletesCAN ensures an athlete-centred sport system by developing athlete leaders who influence sport policy and, as role models, inspire a strong sport culture.

[*English*]

First and foremost, the Sport Awards recognize its rich history of past recipients, including Canadian sport icons Donovan Bailey, Chantal Petitclerc, Hayley Wickenheiser, Mark Tewksbury, Tessa Virtue, Scott Moir, Simon Whitfield and Catriona Le May Doan, among others.

• (1340)

The awards brought together members of the sport, media and corporate communities to honour nominees in the following categories: Sport Performance, Influencers, Corporate Support and the newly added People's Choice.

Standout athletes and performances from the Pyeongchang 2018 Olympic and Paralympic Games made up the Winter Sport Performance category while the Summer Sport Performance category dominated many of the top performances from the 2018 Gold Coast Commonwealth Games, world championships and other world-leading performances.

The categories of Influencers and Corporate Excellence honoured contributions made by athletes, system leaders and corporations that have had a significant impact on Canada's sport community and society as a whole.

[*Translation*]

The Canadian Sport Awards provide a platform to share the stories of greatness, determination, selflessness, and persistence in the face of gruelling obstacles that sport can create.

I was pleased to attend this event with Senator Deacon and Senator Petitclerc to celebrate these athletes' achievements, honour industry leaders, inspire the next generation of athletes, and show our respect for the power of sport.

[*English*]

Their reputation in the world of Canadian sport is well-known: Senator Petitclerc as a Paralympic champion and Senator Deacon as an athlete, coach and builder.

Once again, thank you to the honourable senators for having invited me to this very special and moving event.

Hon. Senators: Hear, hear!

VISITORS IN THE GALLERY

The Hon. the Speaker: Honourable senators, I wish to draw your attention to the presence in the gallery of Haitian parliamentarians, the Honourable Ketel Jean-Philippe and the Honourable Jacques Beauvil. They are joined by Rev. Hyeon Soo Lim and Missionaries of Global Assistance Partners in Haiti. They are the guests of the Honourable Senator Martin.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SISTERS IN SPIRIT VIGIL DAY

Hon. Marilou McPhedran: Colleagues, I rise today after our silent observation, and I thank Senator Dyck for her remarks, to recognize our sisters, our mothers, their daughters, their families and their communities.

On this annual day, commemorating missing and murdered Indigenous women and girls, through Sisters in Spirit Vigils around the country, honouring the lives of those stolen and supporting families of those we've lost, I want to raise a strategic response for your consideration.

[*Translation*]

The epidemic of missing and murdered Indigenous women and girls affects each one of us as members of our communities and, above all, as a country. We belong to a number of different social circles, so we have a duty to promote education in order to prevent our sisters and daughters from being abducted and murdered.

[*English*]

In Indigenous communities, like many others, children left behind are raised by the community. These losses impact everyone and continue the legacy of inter-generational trauma. Solutions start with communities. This approach is often known as "localization," and it works at home and abroad. For example, the localization strategies employed by the Global Network of Women Peacebuilders, of which I am proud to be a founding board member, have been cited as best practices in the UN Secretary-General's report to the Security Council regarding localization and its impacts for the past six years. These localization strategies are also employed in communities led by Indigenous women. Localization is focused on grassroots implementation of laws and policies and the development of realistic, actionable and budgeted local action plans on women, peace and security.

Security is personal. On Thursday last week, when I was in New York at the United Nations during the seventy-third General Assembly, I was able to participate in the launch of the Women's Peace & Humanitarian Fund, the first UN partnership of its kind investing directly in women and girls in their communities. In fact, the financial contributions are already over $10 million from UN state members, of which Canada is the third-largest contributor.

These funds go directly to local women's groups, working on the ground in various countries — yet another example of grassroots community-based implementation to address

community issues. In Colombia, for example, the fund is supporting Indigenous women for the integration of their voices in local peace-building initiatives and the peace process.

Colleagues, as we commemorate the missing and murdered Indigenous women and girls, their families and their communities, I invite all of us to reflect on what more we can do as legislators, experts in various fields, and especially as community members, to support families and loved ones faced with violence and adversity, at home and abroad. Thank you, *meegwetch*.

THE LATE HONOURABLE ERIC BERNTSON

Hon. David Tkachuk: Honourable senators, a former senator, the Honourable Eric Berntson, died on September 23, 2018, and Canada and Saskatchewan lost a great friend. His wife lost the love of her life, his family lost their protector, and his friends lost a loyal and faithful brother. Most of the time I knew Eric Berntson, he had a title. From 1982 to 1990, he was "Minister" or "Deputy Premier." And after 1990, it was "Senator" until his resignation in 2001. After that, it was "Honourable." If you were introduced to this big strapping man of great intellect previous to that, you would have still called him "Sir."

In 1974, at the age of 33, he made a decision that would change his life. He was already a successful farmer in southeast Saskatchewan, a former pilot in the navy and in the air force, and a collector of a little-known painter named Allen Sapp. Eric loved art and filled his home with it.

He was a powerful man in the Grant Devine government, but his work started years before. In 1975, he ran and won a seat for the Conservative Party. In 1979, he served as Leader of the Opposition because the leader at that time did not yet have a seat.

In 1982 he was co-chair, along with the Honourable Bill McKnight, of the Conservative campaign that led the party to the largest victory in Saskatchewan's history.

He was chair again in 1986. He was Deputy Premier, Minister of Economic Development and also Minister of Agriculture. He helped the premier diversify the economy, privatize the myriad Crown corporations assembled by the previous NDP government, and he led the fight to build Rafferty Dam, which was opposed by the opposition and the environmentalists. No one today would say that it was a bad decision. It is a huge success.

As house leader in the Senate, he led the fight to defeat the draconian bill on the Pearson Airport. It was a bill taking away the rights of Canadian citizens to go to court. It was defeated. It was the only government bill that the majority Conservatives in the Senate defeated.

His lifelong fight with diabetes was difficult and ended with him spending the last 11 months of his life in a nursing home. Before that, this terrible disease took his sight. His dog died in July.

Eric served his country. He died a patriot. On behalf of all senators, to his wife Joan and his family, we extend our deepest sympathy.

2019 CANADA WINTER GAMES

Hon. Douglas Black: Honourable senators, I've just arrived in the Senate from participating in the lighting at the Centennial Flame of the torch to kick off the national relay for the Canada Winter Games to be held in Red Deer, Alberta, commencing on February 15 of next year.

Outside today, it doesn't feel like a winter day to start thinking about the Canada Games, but I can assure you that in Alberta it does.

This is only the second time that Alberta has been fortunate enough to host these games. Before going on, I want to acknowledge our colleague Senator Smith, who for 10 years was the Chairman of the Canada Games Foundation and, of course, Senator Deacon and Senator Petitclerc who were at the launch today for the contribution they've made and continue to make to sport in Canada.

The torch, which has now left Parliament Hill, will move across Canada, visiting 50 communities, communities that we all represent. The torch will arrive in Red Deer for the opening ceremonies.

• (1350)

The Red Deer games will welcome 3,000 athletes, managers and coaches, and an estimated 20,000 visitors. The games, as we may know, feature 19 sports, with over 150 events, and with a major arts and cultural festival.

I have two hopes for the games, knowing that Red Deer is ready. We know that Red Deer is a vibrant city in Alberta where a love of sport and active volunteerism thrive. My two hopes for these games are that every athlete from every province and territory who participates achieves their personal best performance, and that many of the athletes who participate in Red Deer will then come to be members of the 2026 Canadian Winter Olympics team, the Olympics that we all hope will be held in Calgary, Alberta.

Good luck to all athletes, and thank you, Red Deer.

[*Translation*]

ROUTINE PROCEEDINGS

INFORMATION COMMISSIONER

2017-18 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the reports of the Office of the Information Commissioner of Canada for the fiscal year ended March 31, 2018, pursuant to the *Access to Information Act* and to the *Privacy Act*, R.S.C. 1985, c. A-1 and P-21, s. 72.

[*English*]

COMMISSIONER OF OFFICIAL LANGUAGES

2017-18 ANNUAL REPORTS TABLED

The Hon. the Speaker: Honourable senators, I have the honour to table, in both official languages, the reports of the Office of the Commissioner of Official Languages for the fiscal year ended March 31, 2018, pursuant to the *Access to Information Act* and to the *Privacy Act*, R.S.C. 1985, c. A-1 and P-21, sbs. 72(2).

AGRICULTURE AND FORESTRY

BUDGET—STUDY ON HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS—THIRTEENTH REPORT OF COMMITTEE PRESENTED

Hon. Diane F. Griffin, Chair of the Standing Senate Committee on Agriculture and Forestry, presented the following report:

Thursday, October 4, 2018

The Standing Senate Committee on Agriculture and Forestry has the honour to present its

THIRTEENTH REPORT

Your committee, which was authorized by the Senate on Thursday, February 15, 2018, to study how the value-added food sector can be more competitive in global markets, respectfully requests supplementary funds for the fiscal year ending March 31, 2019.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DIANE F. GRIFFIN
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix A, p. 3856.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator Griffin: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Griffin, report placed on the Orders of the Day for consideration later this day.)

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO TRAVEL—STUDY ON ISSUES AND CONCERNS PERTAINING TO CYBER SECURITY AND CYBER FRAUD—TWENTY-THIRD REPORT OF COMMITTEE PRESENTED

Hon. Douglas Black, Chair of the Standing Senate Committee on Banking, Trade and Commerce, presented the following report:

Thursday, October 4, 2018

The Standing Senate Committee on Banking, Trade and Commerce has the honour to present its

TWENTY-THIRD REPORT

Your committee, which was authorized by the Senate on Tuesday, October 17, 2017, to study and report on issues and concerns pertaining to cyber security and cyber fraud, respectfully requests funds for the fiscal year ending March 31, 2019, and requests, for the purpose of such study, that it be empowered to travel inside Canada.

Pursuant to Chapter 3:06, section 2(1)(c) of the *Senate Administrative Rules*, the budget submitted to the Standing Committee on Internal Economy, Budgets and Administration and the report thereon of that committee are appended to this report.

Respectfully submitted,

DOUGLAS BLACK
Chair

(*For text of budget, see today's* Journals of the Senate, *Appendix B, p. 3864.*)

The Hon. the Speaker: Honourable senators, when shall this report be taken into consideration?

Senator D. Black: Honourable senators, with leave of the Senate and notwithstanding rule 5-5(f), I move that the report be placed on the Orders of the Day for consideration later this day.

The Hon. the Speaker: Is leave granted, honourable senators?

Hon. Senators: Agreed.

(On motion of Senator Black (*Alberta*), report placed on the Orders of the Day for consideration later this day.)

QUESTION PERIOD

INDIGENOUS AND NORTHERN AFFAIRS

CANNABIS—PUBLIC EDUCATION

Hon. Larry W. Smith (Leader of the Opposition): Honourable senators, my question is for the government leader in the Senate concerning the upcoming legalization of marijuana.

In April, I asked Minister Philpott to tell us how much has been spent on culturally appropriate public education campaigns for Indigenous communities, not funding committed but spent. If you remember, the minister had stated that on March 1, the educational campaign was going to start throughout the country.

Unfortunately, the answers Senator Harder tabled in the chamber two weeks ago did not provide those figures. At the Standing Senate Committee on Aboriginal Peoples yesterday, it was stated that $12 million of this funding was profiled for this year, but again, that does not let us know how much has been spent.

I'm asking for some assistance. Could the government leader please go back to the minister's office and ask for this information? How much of the funding committed in Budget 2018 for public education campaigns for Indigenous communities has been spent to date?

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I'd be happy to seek the appropriate answer.

Senator Smith: As a supplementary, on Tuesday, Senator Harder tabled the government's response to the Aboriginal Peoples Committee report on the subject matter of Bill C-45. The government response indicated that public education initiatives are still under development and that discussions are still under way with organizations about their public education needs and initiatives.

Senator Harder, the legalization of marijuana will take place on October 17, in less than two weeks. Why isn't the government further ahead in this work with Indigenous communities to address their needs?

Senator Harder: Again, I thank the honourable senator for his question. It gives me the opportunity to remind this house that the government, from day one, has said that the date of October 17 is the beginning of the proclamation of the bill that we passed, and that we expect, as a government, to continue to have implementation take place over a number of months, and indeed years, because this is a significant change.

I was delighted that last night the ministers responsible for the Aboriginal response to the bill were able to present the report to our Standing Senate Committee on Aboriginal Peoples, which is subject to the request from this place in conjunction with the passage of that bill. We look forward to receiving ongoing reports from the ministers on progress being made in this process of implementation.

FAMILIES, CHILDREN AND SOCIAL DEVELOPMENT

SUMMER JOBS ATTESTATION

Hon. Pamela Wallin: I know you would expect this question later in the session, but I'm motivated today.

For the Government Representative in the Senate, a new story has detailed the fact that the Canada Revenue Agency has suspended the Islamic Society of North America's charitable status and has penalized it for making gifts to non-qualified donees and issuing donation receipts containing false information. There are many more troubling allegations that I will not repeat.

• (1400)

The CRA discovered this in 2014, but sanctions were imposed only last month. It seems bizarre that then the ISNA Canada was given a taxpayer-funded Canada Summer Jobs grant in 2018.

My question is for the Government Representative. Why was a known religious charitable program under scrutiny by the CRA and others given charitable status; and, more troubling, why did it receive a Canada Summer Jobs grant when many local church-sponsored summer camps, like the one where I live, were not? Will the Government of Canada now change the attestation and vetting process for the 2019 jobs program?

Hon. Peter Harder (Government Representative in the Senate): Let me say that I would have to make inquiries with respect to the particular circumstances of the organization in question. It may be that I won't be able to answer for privacy reasons, but I will seek an answer.

As to the Canada Summer Jobs program, I can only quote the minister responsible for the program when last year she said in advance of this year's program they will be reviewing criteria.

[*Translation*]

IMMIGRATION, REFUGEES AND CITIZENSHIP

IMMIGRATION AND REFUGEE BOARD OF CANADA—HEARING SCHEDULE

Hon. Jean-Guy Dagenais: My question is for the Leader of the Government in the Senate. This morning, *Le Journal de Montréal* published further evidence of the chaos surrounding your department's handling of immigration files. In case you haven't read it, the newspaper reports that a refugee claimant received a summons from the Immigration and Refugee Board for a hearing scheduled for, believe it or not, January 1, 2030. Yes, you heard right. His hearing won't take place for another 12 years.

The government says our doors are still wide open and has promised to speed up the process. However, that's not the impression I get from this article and the comments of the lawyer handling the case.

Could you give us an update on processing times for immigration applications? What would the actual processing time be for an immigrant entering the country today?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for drawing attention to an article in *Le Journal de Montréal*. He is correct in suggesting that I may not have read it. I'm happy to take a look at it.

Let me say that from the government's perspective, the issue of refugee determination, indeed the large volume of backlogs that have been a feature of the refugee determination process for longer than this government has been in office, is one the government addressed by providing additional funds to ensure there was additional capacity for refugee determination in Canada. I'd be happy to provide an update to the honourable senator with respect to how the processes are working. As the senator will know, there is a new appointment of a chair in the organization to give added emphasis to efficiency and effectiveness of this important organization.

[*Translation*]

MINISTRY WEBSITE

Hon. Jean-Guy Dagenais: Today we also learned that Immigration, Refugees and Citizenship Canada replaced the word "illegal" with the word "irregular" on its website. In March, Minister Hussen said he used both words and considered both to be correct, so why make this change now? Why can't the government call illegal entry what it is?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question because it gives me the opportunity to remind all senators that our adherence to the refugee convention does not ascribe all spontaneous arrivals who seek refugee status as illegal. They, in fact, are here using the convention to which Canada has become a signatory, but they are irregular in the sense that they are not part of the program of immigration. I do think that it is important for senators, for members of Parliament, for those in high office, to understand the refugee determination system as it is distinct and apart from our immigration system.

Senator Plett: If you rob a bank, it's not a regular withdrawal.

[*Translation*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

HUMAN RIGHTS IN IRAN

Hon. Leo Housakos: My question is for the Leader of the Government in the Senate. On October 2, *Le Monde* reported that the French government is now certain that it was Iran's Deputy Minister of Intelligence, Saeid Hashemi Moghadam, who ordered the attack on an opposition rally against the Iranian regime in Villepinte, near Paris, on June 30, 2018. Over 25,000 people were attending the event, including a number of current and former American, European and Canadian politicians. Among them was former Canadian Prime Minister Stephen Harper. The Iranian government hoped to create a bloodbath.

Senator Harder, how is the Trudeau government going to respond to a regime that plots to assassinate one of our former prime ministers? Will you keep your head in the sand and go on pretending that a dialogue with assassins is even possible?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his question. The Government of Canada, through its enforcement authorities and at the highest political level, continues to work with all of our like-minded countries to ensure vigilance in our battle against would-be terrorists and terrorists themselves. The incident to which the honourable senator refers is one that I will not make any public comment on except to say that the Government of Canada is aware and is making all of the appropriate actions of coordination.

Senator Housakos: Government leader, it is now well known, and I don't think we need any more evidence, that the Government of Iran happens to be the leading sponsor of terrorism around the world. The Government of Iran has called out, on a number of occasions, to harm our Western values, our political system and our friends and allies, including Canada itself. They have called for the obliteration of one of our best allies in the Middle East, the State of Israel. They have called for obliteration of the whole race because of their religious beliefs, which are contrary to those of the State of Iran. These are fundamental values and principles that we don't share with that particular country. I think we have an obligation to stand up and call out these abuses of human rights, call out a country that continues to abuse its own population, its own people, and call out the threat to the values that we defend and aspire to in the Western world.

Senator Harder: If that is a question, I can only assert that the Government of Canada at the highest levels continues to assert Canada's human rights values.

[*Translation*]

JUSTICE

GENETIC NON-DISCRIMINATION

Hon. Claude Carignan: My question is for the Leader of the Government in the Senate. A few months ago the Senate unanimously passed Bill S-201 prohibiting genetic discrimination. It was Senator Cowan's bill. The House of Commons also passed the bill, despite some opposition from within cabinet.

The new legislation has also been referred to the Quebec Court of Appeal, because the Government of Quebec would like to see it struck down, invoking the authority of civil law.

I have already asked you whether the federal government intends to defend its legislation. The federal government apparently filed its factum in August, then, to everyone's amazement, it decided not to defend its own legislation, which was passed by the Parliament of Canada.

Professor Stéphane Bellavance of the University of Montreal described this situation as unheard of and bizarre. Why did the Trudeau government give in to the insurance lobby rather than ensuring that the will of the Parliament of Canada prevails?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): I thank the honourable senator for his question. I will have to make inquiries with respect to the position the government has taken in the courts. It is, as the senator's question suggests, a matter that was, yes, adopted by Parliament. Indeed, Royal Assent was granted in this chamber. As the senator reports, it was a matter that the government had some concerns over.

[*Translation*]

FOREIGN AFFAIRS AND INTERNATIONAL TRADE

INTERNATIONAL ORGANIZATION OF LA FRANCOPHONIE

Hon. Claude Carignan: I also asked you in May or June about the Government of Canada's position on Michaëlle Jean's candidacy before the Organisation internationale de la Francophonie. Minister Bibeau, who was responsible for the file at the time, said that the Liberal government would proudly support Michaëlle Jean's candidacy. Over the past few days, however, we have heard her successor, Mélanie Joly, express far less enthusiasm during interviews given in particular to The Canadian Press, in which her response was limited to one line: "The important thing is the success of the Yerevan summit." She never answered the question about whether the Canadian government still supports Michaëlle Jean's candidacy.

• (1410)

Does the government intend to defend Michaëlle Jean's position or election tooth and nail, or does it plan to ensure that the summit is a success without necessarily supporting Mme. Jean?

[*English*]

Hon. Peter Harder (Government Representative in the Senate): Again, I thank the honourable senator for his supplementary question. Let me simply say that the Government of Canada has been on the record supporting the candidacy of the incumbent, Michaëlle Jean.

The summit will be taking place in the coming days. I think we would all want to be assured that in the process of the summit's business, which includes, amongst other things, the election of the head of the organization, the summit is a success, and that it does occasion an opportunity for the francophone community that will be represented at the summit to move forward on its broad agenda of deepening and strengthening ties among the francophone community, of which Canada is a part with three seats at this organization's table.

ORDERS OF THE DAY

OIL TANKER MORATORIUM BILL

SECOND READING—DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy, for the second reading of Bill C-48, An Act respecting the regulation of vessels that transport crude oil or persistent oil to or from ports or marine installations located along British Columbia's north coast.

Hon. André Pratte: Honourable senators, it is with some hesitation that I rise today to briefly discuss Bill C-48, which would impose a permanent prohibition on oil tankers activities along the coast of northern British Columbia.

I'm certainly not an expert on environmental issues, and, to be frank, I have much to learn about the region in question. But I know from what I've read that the northern B.C. coast is a pristine area characterized by extraordinarily rich marine plant and animal wildlife. This being the case, I certainly understand that the region should be protected from the adverse impacts that many crude oil export projects could cause.

However, is a prohibition of tanker activities the best way to achieve that protection? Does it reflect a balance — the balance that the current government is seeking — between environmental protection and economic development? This balance, sustainable development, should not blindly impede the second part of the expression, "development."

Bill C-48 would impose a prohibition on any and all crude oil and persistent oil export projects from the coast of northern B.C. In this context a prohibition is, in my view, a crude tool. It cannot take into account the economic advantages of a given project for certain communities and for the country as a whole, the specific product to be exported, the marine protection measures plan, et cetera.

A prohibition precludes any impact assessment of a project. It is decided in advance that no oil export project could carry economic and social advantages while ensuring environmental protection.

Bill C-48 is entitled the "Oil Tanker Moratorium Bill." However, what the bill provides is not really a moratorium, at least not as "moratorium" is generally defined in dictionaries as the stopping of an activity for an agreed amount of time. In this case, the agreed amount of time is forever. This is not a suspension but a deep freeze.

The wide reach and the long-term consequences of this permanent prohibition of oil export activity in such a strategic region of our country is a great concern to us. As we are studying this bill, another legislative measure sits before us, Bill C-69, which seeks to improve the impact assessment of major projects, including, of course, energy projects.

What is the use of such a stringent regime if it is not applicable to a significant part of our coasts? Isn't the government confident that the new impact assessment system, once put in place, would be capable of protecting the environment of B.C.'s northern coast while allowing projects to move forward?

Also, why would northern B.C.'s coast be permanently protected by a moratorium and not other coasts? Why can hundreds of giant tankers travel in the Gulf of St. Lawrence, for instance, which is also a strikingly beautiful and ecologically unique area? I tend to agree with the Canada West Foundation when they assert that the federal government should focus on "how to ensure the best environmental protection on all of Canada's equally deserving coasts while ensuring our economic prosperity."

Furthermore, a permanent moratorium does not take into account the possibility that in the future, even in the near future, things might be very different than what they are today. For instance, new, safer ways of shipping oil may be developed, oil pellets being one of them. New techniques to mitigate the negative impacts of oil spills may be invented so that projects would become far less risky for the environment than they are now. However, we know that if and when such a time comes, lifting the moratorium would be next to impossible.

What if the Trans Mountain pipeline never gets built? Aren't there northern alternatives that would be worth looking at? A permanent moratorium would preclude even the study of such alternatives, even projects that, like the Eagle Spirit project, are key to the economic development of many Indigenous communities and may be safer and more profitable than Trans Mountain.

[*Translation*]

Honourable senators, these are the questions I have as we begin studying this bill. Once again, I am keenly aware of and very attuned to the need to protect the environment along British Columbia's northern coast.

However, I am concerned that prohibition is too crude a tool to achieve this objective because it would prevent the implementation of even those projects that respect the principles of sustainable development. For an oil-exporting country such as Canada, which we will continue to be for many years, this could prove to be a very unwise policy.

That said, before forming a final opinion on the bill, I would like to listen carefully to the arguments for and against and follow the work of the committee that will study the bill. I would like to know more about, for example, the definition of persistent oil — meaning those products that cannot be exported from British Columbia's northern coast — a definition that some experts find too broad, covering products that in fact only persist in the marine environment for a few hours.

[*English*]

I would also want to hear about the minister's discretionary power as described in section 6, which appears to be unlimited, since he or she could exempt ships from the moratorium each time the minister deems it in the public interest. Minister Garneau asserted that he did not intend to use this exemption power except in emergency situations, where it is essential, for instance, to supply communities or industry. But this is not the way the clause is presently drafted. Could the government use this exemption power to give the go-ahead to a specific crude oil export project? If so, how would this power align with the government's decision power as provided by Bill C-69?

Honourable senators, at this stage I will vote in favour of the bill not because I agree with it — as you have heard, I'm quite skeptical — but because I believe that we should send it to committee for comprehensive study. I'm hopeful that the committee will provide us with complete answers to the many questions that the bill raises. Again, no one needs to convince me that the northern coast of British Columbia should be protected, and by special measures. This is not the issue. The question is whether we, as legislators of an oil-producing country, ignorant as we are of the future, even the near future, should decide today to forever preclude oil exports from a significant part of our Pacific coast.

(On motion of Senator Martin, debate adjourned.)

• (1420)

FEDERAL PUBLIC SECTOR LABOUR RELATIONS ACT

BILL TO AMEND—SECOND READING—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Bellemare, seconded by the Honourable Senator Harder, P.C., for the second reading of Bill C-62, An Act to amend the Federal Public Sector Labour Relations Act and other Acts.

Hon. Scott Tannas: Colleagues, Bill C-62 was put in place to repeal efforts that were made in 2013 and 2015 to bring fairness and efficiency to some of Canada's labour relations processes.

Specifically, Bill C-62 sets out to repeal what, in my view, was a modernizing legislation that authorized the Treasury Board to establish and modify terms of conditions of employment relating to the sick leave and disability regime of public service employees, notwithstanding the Federal Public Sector Labour Relations Act.

The bill also sets out to repeal legislation that deals with essential services, collective bargaining and grievance and dispute resolution processes and return our labour relations regime with the public service to the state that existed prior to the legislative changes that were made in 2013 by the previous government.

The previous government looked to improve the coverage and the fairness of the sick leave benefit and changed the legislation in order to provide real support to those in need and to create a short-term and long-term disability care plan to assist employees in their care and their return to work.

The older model, which we are going to go back to the future on, has a sick leave set at 15 days per year and allows employees to carry forward unused sick days without limitation. The changes enacted in the previous government's legislation, which have not yet been brought into force, when brought into force would have removed this carry-over provision.

There are three main issues with the older sick leave regime that the former government attempted to address in their legislation. This legislation was one that, after some thought, I supported for the following reasons: the old, now new, sick leave regime unfairly affects young employees who have few banked days and require more sick days, especially if they have young children. These employees are often required to use vacation days to cover the needed time off for illness and family-related medical needs. Employees with many years of tenure usually have excess sick leave carried over throughout their career and will often wind up taking a year of leave prior to retirement. This is obviously a significant cost to taxpayers, since they continue to be paid while on sick leave, although they're not sick, and their job isn't filled. Someone else needs to do their job for that year prior to retirement while they're using their sick leave days that they managed to accumulate.

I don't think anybody could argue that explaining this to ordinary, common-sense Canadians would be a difficult task.

Finally, the statistics show that women under this regime are placed at a significant disadvantage. On average, each full-time employee uses about 9.3 days of sick leave for personal reasons. But it's interesting because men use fewer days. They use 7.7 on average, and women use 11.4. There are lots of reasons for that. Some of them may change over time. It's the presence of preschool-aged children that exerts a strong influence on work absences for personal and family responsibilities, and full-time employees and families with at least one preschool-aged child lost an average of 3.0 days, compared to only 1.4 for those families without children.

In other words, the old version of the sick leave regime is going back to disadvantaging women in several ways. One, women do not have the required sick days banked up early in their career to use, and so they wind up using vacation time.

Second, women use more time, clearly, than male counterparts, in part due to care for family responsibilities.

Third, women are rarely replaced at work, and thus they catch up on the work missed. This is in contrast to the employee who takes sick days over the final six months.

And fourth, at the end of their career, if you use a simple calculation of those statistics, if you were an average civil servant, a female, and you took the average number of sick days every year, a female would wind up having an accumulation of about six months of paid sick leave, and a man would have a year of paid sick leave.

I'm not sure how this one slipped past the gender analysis, and maybe there is an explanation for that, which we will hear about at committee.

There are some other areas, colleagues, that this bill proposes to fix. It also proposes to amend the Federal Public Sector Labour Relations Act to place more power into the hands of the bargaining agents regarding collective agreement, and it will amend the act regarding essential services. It also makes changes to the methods through which employees may bring forward work-related concerns, many of which, in my opinion, will place an additional significant burden on the employer to resolve without the bargaining agent.

In addition, Bill C-62 would amend the Income Tax Act to remove the requirement that labour organizations and labour trusts provide specific information annually to the Minister of National Revenue, and this includes information on non-labour activities, that is then made available to the public.

It's another step by the government towards less transparency from unions, to the disadvantage of both union members and, ultimately, all Canadians.

Colleagues, I fear that the bill changes the balance of power between the employer and the employee to unfairly advantage unions in the public sector while disregarding the taxpayer. I hope we will look closely at these portions of the bill in committee.

I know that Canada's hard-working public service employees are very well represented by their bargaining agents. That's clear. It is up to us in Parliament to make sure — nobody else will — that Canadian taxpayers are looked after and that there is fairness for everybody. Thank you.

Hon. Frances Lankin: Will the senator take a question?

Senator Tannas: Absolutely.

Senator Lankin: Thank you very much. You raised issues that will be important for the committee to look at. I want to ask you a couple of questions on the sick leave provisions. I'm interested in the gender analysis that you bring to it. There are reasons in fact, one of them being that the primary responsibility rests on women for families and child care, but that's a cultural thing that's changing.

One of the ways of getting at that is adequate family leave provisions. Would you agree that that's another way to look at it as opposed to look at amending the sick leave?

Senator Tannas: I totally agree. I think a number of tools in modern human resources need to be brought up to date. Flex days is one that is rife in private industry, where you get a certain number of days and you don't have to provide a phony excuse. You say, "I'm taking that day." You can't usually plan it as part of a vacation. You actually need to use it for those kinds of things that arise.

• (1430)

There are all these kinds of things, and I think, honestly, it was the intention of the government to try to start modernizing some of them.

This provision, for whatever reason, got lumped into whatever deal was made with the unions to turn back the clock on some of the things that the government did, both objectionable and maybe, in this case, collateral damage.

Senator Lankin: I have another question. I'm glad you admitted some of them might be objectionable.

To the sponsor and critic, I would ask that at committee you look at other mechanisms around sick leave as well. A number of public sectors have gone to a provision of fewer full-time paid days on sick leave, then a long series of short-term days that can be topped up with vacation, and LTD after that.

I would ask that you examine a variety of models. But I would say to you it's a pendulum swing, and these things come back and forth. There is no one answer to it.

Senator Tannas: You raise a great question. It's one that I think we also need to consider. It has been brought up before.

If we're going to do this every four years, when governments change, it's unfair to everybody. At some point, the best solution for us is to stay with the times and try to stay modern in all of these types of things. It's difficult to do. There are multiple unions and negotiations that span years and so on, but I think we can do better.

[*Translation*]

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate): Will Senator Tannas take another question?

[*English*]

Senator Tannas: Certainly.

[*Translation*]

Senator Bellemare: Bill C-62 seeks to restore the negotiation of working conditions with employees, particularly with regard to sick leave plans, since the previous government completely rescinded employees' right to negotiate and wanted to impose a different sick leave plan.

Were you aware that the previous government's actions in that regard were in conflict with the right of association and the right to negotiate working conditions, and that the Supreme Court found those measures to be unconstitutional in this case and in a similar case in Saskatchewan?

[*English*]

Senator Tannas: Yes. I have to say that I did receive a briefing on what you're specifically talking about in that judgment. The decision stated that the employee has a right to strike, that it doesn't necessarily transfer to the bargaining agent nor to the Saskatchewan government in that case.

To me, this is the problem. At Internal Economy today, we just approved wage increases retroactive to four years as a result of lengthy bargaining. That's just one example.

If we have multiple bargaining units moving across in years, these kinds of things will never be modernized unless there is leadership somewhere that says we are going to have in these areas, specifically employee benefits, modern practices.

This isn't a move to modern practices. This is a move to just throw it all back to the way it was, the good old days when you gathered up six months or a year of free wages if you called in sick from work less than 15 days over the course of your career. To me, that's the very essence of it. We have to do something that is better than the old days.

[*Translation*]

Senator Bellemare: I would like to ask you another question. Did you know that, right now, employees cannot take long-term sick leave or use the leave they have banked without a doctor's note?

That being the case, it is not true that banked sick leave can be used as vacation. Are you aware that employees require a doctor's note to be able to use their accumulated sick leave?

[*English*]

Senator Tannas: My understanding is that at the end of your career your accumulated sick days come to you as a benefit.

(On motion of Senator Martin, debate adjourned.)

WRECKED, ABANDONED OR HAZARDOUS VESSELS BILL

SECOND READING—DEBATE ADJOURNED

Hon. Larry W. Campbell moved second reading of Bill C-64, An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations.

He said: Honourable colleagues, I rise today to speak to Bill C-64, An Act respecting wrecks, abandoned, dilapidated or hazardous vessels and salvage operations.

I want you to know that it's a coincidence that I've been chosen to sponsor this bill dealing with wrecks.

Hon. Senators: Oh, oh!

Senator Campbell: The bill addresses the void in the protection and preservation of the health of Canada's marine ecosystems and the safety of the waterways on which our economy depends.

Abandoned and wrecked vessels left in our waterways are a serious problem. They pose safety, environmental, economic and social risks. It is estimated that there are hundreds, possibly thousands, of these vessels in Canadian waters, ranging from small pleasure craft to large commercial vessels. They are a long-standing and growing source of frustration for many shoreline communities, both those that are on our coast and those that are on our inland waters.

Proper remediation of these problem vessels can be complex and costly. Up to now, the financial burden has often fallen on the Canadian taxpayers.

The vast majority of vessel owners act responsibly and dispose of their vessels properly. However, some owners see abandonment as a low-cost, low-risk option.

This legislation will change that. It fills the gaps in the existing federal and legislative framework. By extension, this bill will guide provinces and cities which deal directly with this on an ongoing basis.

Up until now, the federal government has only had the authority to address the negative effects of abandoned or wrecked vessels, but not the vessel itself. The government has generally also lacked the ability to take proactive action in these situations to avoid placing a burden on taxpayers.

Additionally, there is nothing in law today that prohibits an owner from abandoning their vessel. Also, there are no requirements for vessel owners to carry wreck removal insurance, and there are insufficient authorities to order vessel owners to address their hazardous vessels or wrecks.

Colleagues, when a car reaches the end of its useful life, we don't accept owners leaving it by the side of the road for someone else to deal with. This should not be acceptable for vessels on our waterways either.

Bill C-64 would make vessel owners clearly liable for any costs incurred in the course of removing or remediating a wreck. This is crucial to ensuring that accountability lies with the owner and not the general public.

The Nairobi International Convention on the Removal of Wrecks, 2007, established such a regime, and this bill gives the Nairobi convention force of law in Canada.

• (1440)

The convention sets international rules on the rights and obligations of vessel owners, coastal states and flag states with respect to wrecks. It also provides state parties with a global regime governing liability, compulsory insurance and direct action against insurers.

By acceding to and implementing this convention, Canada would ensure that vessel owners will be held liable for locating, marking and, if necessary, removing any wreck resulting from a maritime accident and that poses a hazard.

Additionally, owners of vessels that are 300 gross tons or more would be required to have insurance or other financial security to cover the costs related to their removal if they become wrecked. This legislation would also extend these requirements to all Canadian waters.

Bill C-64 addresses irresponsible vessel management that increases the risk of a vessel becoming abandoned or wrecked. It will prohibit not only abandonment but also leaving a vessel adrift for more than 48 hours without working to secure it or leaving vessels in very poor condition in the same area for more than 60 days without consent.

Another important aspect of the bill is that it enables the federal government to address problem vessels before they become even greater problems with higher costs, including by providing the ability to direct owners to take action. When owners don't act, the federal government would be authorized to take any measures deemed necessary to address all types of hazards posed by abandoned, dilapidated or wrecked vessels, and the owner would be liable for costs.

The legislation also consolidates existing provisions that deal with wrecks and salvage in one place by incorporating existing Canada Shipping Act, 2001 provisions that pertain to the International Convention on Salvage, 1989 and to the Receiver of Wreck. Several important amendments have been made to the long-established and critical function of the Receiver of Wreck to continue to protect and preserve the rights of owners of found wrecks, as well as the rights of salvors.

For example, one of the proposed amendments is the formalization of a public notification process of found wrecks. This new legislation will require that a public notice indicating that a wreck has been reported be posted for a minimum of 30 days. The Receiver of Wreck will have to wait out the notification period before taking any action.

Should other efforts to identify or contact the owner fail, the public notice increases the chances of finding the rightful owner and gives the owner ample opportunity to come forward and claim their wreck. Importantly, this legislation will establish an enforcement regime that authorizes the issuing of Administrative Monetary Penalties, establishes regulatory offences and sets out a penalty regime, all of which are intended to deter non-compliance.

In summary, the wrecked, abandoned or hazardous vessels bill is a core element of the national strategy on abandoned and wrecked vessels, a critical component of the government's commitments under the Oceans Protection Plan. This is critical to closing an important gap to enhance vessel owner responsibility and liability and strengthen federal leadership in protecting and restoring Canada's marine ecosystems and the health and sustainability of our coasts and shorelines.

This measure will bring Canada alongside other signatories of the Nairobi convention, a key international instrument for governing vessel owner liability with respect to wrecks caused by maritime casualties.

Colleagues, our coasts and waterways are the common heritage and resources for all Canadians. They are crucially important to our environment, our communities, our economy and our way of life.

I was encouraged by the level of support for this legislation in the other place, and I look forward to the same outcome in the Senate. Thank you very much.

Hon. Senators: Hear, hear!

(On motion of Senator Plett, debate adjourned.)

IMPACT ASSESSMENT BILL
CANADIAN ENERGY REGULATOR BILL
NAVIGATION PROTECTION ACT

BILL TO AMEND – SECOND READING – DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Mitchell, seconded by the Honourable Senator Pratte, for the second reading of Bill C-69, An Act to enact the Impact Assessment Act and the Canadian Energy Regulator Act, to amend the Navigation Protection Act and to make consequential amendments to other Acts.

Hon. Douglas Black: Honourable senators, I have the pleasure and the privilege this afternoon to rise to discuss Bill C-69. Senators, I'm urging us to pause and get it right.

Bill C-69 is the bill that is designed to completely restructure the natural resource regulatory regime in Canada. I would suggest, senators, without hyperbole, that in fact this might be the most important piece of legislation that we will deal with in this chamber in this session. We need to understand that this legislation covers all segments of the resource sector. That would be forestry, mining, renewables such as wind farms, fishing, nuclear, pipelines, and offshore oil and gas development — in summary, the Canadian resource economy. It is a bill that will fundamentally affect how our economy functions going forward.

It's also, in my respectful submission, a bill that allows us to demonstrate to Canadians that this is a place of sober second thought.

Now, there's so much we can agree on amongst us all. We can agree that natural resources are Canada's family business. The sector employs just under 2 million people, and it generates a little less than 20 per cent of our GDP per year. That amounts to hundreds of billions of dollars. We agree on that. We agree that we can and we should develop our resources responsibly.

We also agree that we must protect our natural environment. It is our great gift in this country, and we must all commit ourselves — and we agree we must — to protect it. We also agree that First Nations' meaningful engagement in resource matters is essential. And I think, honourable senators, we can also all agree that the current regulatory system is not serving us very well.

So changes need to be made. We agree on that. The former government thought that, and they endeavoured to readjust the regulatory balance and, with respect, they got it wrong. This government is repeating that mistake by swinging the pendulum too far in the other direction, and we need to pause and get it right for the benefit of this country because we've gotten it wrong for over a decade.

In addressing the problem of making our regulatory process more balanced and responsible, in my submission, the government has missed the mark with Bill C-69. They have designed a regime that actively discourages the development of projects. They have failed to find any balance between our agreed need for responsible resource development and our demand to respect the natural environment and our consultation obligations.

So we must pause and get this right. The government recognized that themselves. That is why they appointed the panel to modernize the National Energy Board, and that panel reported to government. That is also why this government appointed the resources of the future table — more on that later — to guide the government in developing our resource riches for the next number of decades.

Honourable senators, unfortunately, both of those reports undertaken by the Government of Canada have been ignored by them in drafting Bill C-69. The significant recommendations of the NEB modernization panel were completely ignored. The table recommendations were tabled after this bill was tabled.

Many others recognize that we have a problem here, too. I mentioned the resources of the future table. This was an initiative out of the Prime Minister's Office suggested by Dominic Barton, former leader of McKinsey, who was asked by the government to help them define how to move forward economically.

The resources of the future table was led by Lorraine Mitchelmore, a prominent Newfoundlander who also then served as the CEO of Shell Canada. She was assisted in her work by leaders in the environmental industry, the power industry, energy, mining, the resource industries of this country.

• (1450)

What they said was very clear. They identified the opportunity for Canada on resources. They indicated that currently we are adversely affecting our competitive position in Canada, and we are crippling — their language — the sector's ability to thrive and build.

They also said that the current system we have is a block to innovation. They also were good enough to point out that according to the World Bank's ease of doing business index, Canada ranks 34 out of 35 among the OECD countries. We're only ahead of Slovakia.

Then they went on to turn their attention to Bill C-69 specifically, stating that while the intent of Bill C-69 is directionally positive, implementation of the bill in its current form could limit greenfield projects. That is to say any new project in Canada. Important point: These projects are generally in Indigenous communities and are for these communities a significant opportunity for growth and equity partnerships.

Honourable senators, this report was ignored in the drafting of Bill C-69. That's why we need to pause to make sure it's reflected on.

[Senator Black (Alberta)]

You would all have seen the *Globe and Mail* editorial of September 27, "Ottawa needs to change its pipeline act," with a call in the last sentence of the editorial for us senators to listen to the critics of Bill C-69. I had my office send a copy of that to you all.

You've also heard, undoubtedly, from various think tanks, including the MacDonald-Laurier Institute, the Fraser Institute, the C.D. Howe Institute, the Conference Board of Canada and the Canada West Foundation, who are saying that we need to do better than we're currently doing. Specifically, Canada West said the following:

> . . . although perhaps well-intentioned, Bill C-69 threatens to make things much worse at a time when we can't afford that risk.

Unfortunately, the amendments made at the House of Commons committee not only do not address the major issues, but in some cases exacerbate them. There is increasing consensus among leaders, investors, First Nations groups, unions, academics and others that Bill C-69 is so problematic that it is not fixable.

So why is opposition to Bill C-69 so broad-based across resource industries in this country and so fierce? Why is it that now 17 associations representing the resource industries across this country are opposed to Bill C-69? I am aware of only two associations that are indicating support at some level for the bill.

Why is it that unions — the Boilermakers, the Laborers' International, the Teamsters, the International Union of Operating Engineers — are opposed? Why is it that some First Nations development groups are opposed? I draw your attention to a press release issued yesterday by the Indian Resource Council titled, "Indian Resource Council urges senators to oppose Bill C-69."

Let me read:

> The Indian Resource Council, an Indigenous advocacy organization which represents the oil and gas and associated economic interests of over 130 Indigenous communities in Canada, is urging Senators to oppose Bill C-69.

Bill C-69, which would drastically alter the review process for projects in the energy sector, would harm one of Canada's greatest economic success stories, namely, the emergence of Indigenous communities and companies as major and successful participants in the energy sector. The Canadian Chamber of Commerce, at their annual meeting in Thunder Bay last week, with Resolution No. 1 called upon us to fix Bill C-69.

Having practised law for close to 40 years and having had the privilege for many years of being involved with regulatory matters across several industries, I can simply tell you that if I was consulted by a client and asked whether they should proceed with a major project in this country under Bill C-69, I would say no. I would say, "The risk is too high. Put your money in another jurisdiction." And I would not be alone in that.

We've heard from Enbridge, Imperial Oil, TCPL, Suncor. Indeed Hal Kvisle, an individual many of you may know, who was recently the CEO of the year in Canada and who was for many years the president of TransCanada pipeline and then of Talisman Energy, said the following describing Bill C-69:

> . . . an absolutely devastating piece of legislation. . . .
>
> I don't think any competent pipeline company would submit an application if Bill C-69 comes into force.

So what are the problems with Bill C-69? There are many, many problems because it's a 400-page bill. I'm going to summarize what the major problems are.

The first problem is that there is no balance. There is a focus on making sure we get the environmental issues right. We all agree, check. We all agree with that. The government's intention is to ensure that they can meet their obligations under the Paris accords. We can discuss that. They obviously want robust consultation. Great. So we all want robust consultation, not only with First Nations groups but with other stakeholders. But what they've completely forgotten is the business side of the equation, the economic side of the equation. There is no mention in the lists — and I would refer you, if you want to go to sleep, pick up the bill and check sections 22, 63 and 84, which outline the criteria that must be considered by either the panel, the impact assessment agency or the minister. There are no economic factors contained in those lists, period. There is reference in the preamble to the need for economic relevance of factors, but I can tell you again as a lawyer that the specific always trumps the general.

What we have is a situation where absolutely no consideration is being given to Canadian prosperity, competitiveness, assessing world markets, protecting jobs, creating vibrant communities or maximizing the economic benefits to Canadians of our resource blessings. The legislation is silent.

The second point is that the whole legislation is back to front, upside down. The Government of Canada has every right and every responsibility to set forth a policy guideline. So if you do not want to have a pipeline built from the oil sands of Alberta to wherever, just tell us. Tell us up front. So policy issues in any sophisticated regulatory regime outside this country are dealt with as number one, so that the proponents know the policy framework. Then the officials implement that policy framework. Once that's done, if the project meets what the regulators determine, then the project advances; if it doesn't, it doesn't. The current situation creates too much uncertainty. You need to know that that is the NEB modernization panel's principal recommendation, that the approval process is back to front.

Also, on timelines, honourable senators, I would say we've heard a great deal that this bill makes timelines shorter than the Canadian Environmental Assessment Act, 2012. With the greatest of respect, that is not accurate, and there are many sources other than me who can indicate it is not accurate. I think I've said before in this chamber that we have to consider the number of times that the pause button can be pushed, the ability for the minister to delay and the ability for cabinet to delay any number of times. It's the language which is actually used.

As well, as I think we all know, all the major law firms have issued reports to their clients in respect of this. I think they are all saying the same thing, but I'm going to focus on what Osler, Hoskin & Harcourt has said. The leadership of their practice said:

> . . . there is nothing in these legislative proposals that suggests future assessments [of designated projects] will be in any way streamlined, more efficient, or more effective. . . .
>
> The timelines in the IAA are very long and can be extended . . . .

I have noted that.

In addition, the minister can, through regulation, set out activities that result in the timelines being suspended. I suspect that, as is currently the case, the clock will stop running when the agency panel is waiting for information. That is current practice. Therefore, these legislated time limits are no guarantee of more timely review.

Regarding the open mic, the fact that there is no requirement in the new legislation for standing, having practised law for 40 years, I can tell you I've never seen a circumstance where you don't have to have an interest in a matter to appear. I just can't show up at the courthouse in Calgary and appear. I have to have a connection to what's going on. That has been thrown out the window. It is what I'm calling the open mic, own the microphone, and it is destructive for an ordered process, and in fact it provides a tool for those who are not interested in an ordered process. There are a number of others that I draw your attention to ever so quickly, because we're going to have lots of opportunities to discuss this.

• (1500)

The Hon. the Speaker pro tempore: Senator Black, I'm sorry to interrupt you, but your time is up.

Senator D. Black: May I have five more minutes?

The Hon. the Speaker pro tempore: Is it agreed, honourable senators?

Hon. Senators: Agreed.

Senator D. Black: I'm almost done.

You need to know, senators, that, for proponents, there is no way to know today whether your project is caught by Bill C-69 because the so-called designated list that sets out whether it's going to apply to you is not contained in the legislation and will be in the regulations. Literally, if I'm a proponent today, I don't know whether this will apply to me. I would suggest that that's not a very good way of doing business, and it's not a very good way of building certainty amongst proponents.

You need to know as well, senators, that there's a new provision — likely wrong at law, but nonetheless — whereby if you sell product to a cement plant in China, the GHG emissions from that cement plant in China need to be considered by the panel. I query whether that's within the terms of law, but that's in the terms of the legislation.

We've heard much about the criteria around the intersection of sex and gender. There it is.

I would say as well the Canadian Nuclear Association is deeply unhappy with this legislation based on safety reasons — we can go into that more fully at a later time — as are the Canada-Newfoundland and Labrador Offshore Petroleum Board and the Canada-Nova Scotia Offshore Petroleum Board.

I had the privilege of being in Newfoundland last Friday to meet with energy officials, including the minister in that province, and they are deeply concerned that one of Canada's greatest energy resources, the Newfoundland offshore, is going to be stunted in its development because of Bill C-69.

Senator Mockler: Unacceptable.

Senator D. Black: In conclusion, I would urge us to pause, as so many entities and organizations out of here are, to get this right. We owe this to the country. We have not gotten this right for over 10 years now. There's no blame to this government. We just haven't gotten it right. We, the Senate, because of circumstances, can now play a major role in insisting that we do get this right.

The government suggested to us that there's certainty in the new legislation. I'm telling you — and I'm sure you're starting to find out by the number of folks reaching out to you — that the only certainty, in my view, is enhanced uncertainty.

I would simply say we need to listen to the NEB panel. We need to listen to the table of resources. We need to listen to First Nations. We need to listen to unions. We need to listen to those who have points of view that may be different from our own, and we need to ensure that this consultation is exhaustive.

Honourable senators, my final thought, because this is so important to our economy, is last year you'll recall Minister Morneau's attack — my language, no one else's — on small business in this country.

Senator Mockler: Unacceptable.

Senator D. Black: It was so important that the Senate Finance Committee toured this country. They went into the town squares of this country, and they visited with people who were affected. Why, on something so significant, should we expect people to come to us? I'm arguing strongly that from Halifax, to St. John's, to Vancouver and Victoria, and to the North, whatever committee has the privilege of looking at this needs to hear the interests in this country exhaustively because we are the last stop on this train.

Some Hon. Senators: Hear, hear!

Senator D. Black: If we don't do our job responsibly and in a considered fashion, building on what we agree on, I run the risk of feeling that future generations are going to think I missed the opportunity to build on our prosperity while building relationships with First Nations groups and protecting our environment. It can be done if we're smart, and this is the place that needs to ensure we're smart. Thank you, honourable senators.

The Hon. the Speaker pro tempore: Do you have a question, Senator Lankin?

Hon. Frances Lankin: Yes, I do.

The Hon. the Speaker pro tempore: There are 39 seconds left.

Senator Lankin: There are two parts to it. Those elements that are — sorry? I didn't go on for 39 seconds. No way.

The Hon. the Speaker pro tempore: Somebody has to request more time.

Senator D. Black: I'm happy with that, but I defer to my colleagues.

The Hon. the Speaker pro tempore: I'm sorry. We'll have to wait for the next person. Is somebody taking the adjournment?

(On motion of Senator Martin, debate adjourned.)

BUDGET IMPLEMENTATION BILL, 2018, NO. 1

EIGHTEENTH REPORT OF FOREIGN AFFAIRS COMMITTEE ON SUBJECT MATTER DISCHARGED

On Government Business, Reports of Committees, Other, Order No. 12, by the Honourable A. Raynell Andreychuk:

> Consideration of the eighteenth report of the Standing Senate Committee on Foreign Affairs and International Trade (*Subject matter of Bill C-74, An Act to implement certain provisions of the budget tabled in Parliament on February 27, 2018 and other measures*), tabled in the Senate on May 30, 2018.

Hon. A. Raynell Andreychuk: Honourable senators, pursuant to rule 5-7(k), I move that Order No. 12, under Reports of Committees, Other, which deals with the subject matter of Bill C-74, which was adopted last June, be discharged from the Order Paper.

(Order discharged.)

VISITOR IN THE GALLERY

The Hon. the Speaker pro tempore: Honourable senators, I wish to draw your attention to the presence in the gallery of Mrs. Jennifer Deacon, the wife of our colleague from Nova Scotia, the Honourable Senator Deacon.

On behalf of all honourable senators, I welcome you to the Senate of Canada.

Hon. Senators: Hear, hear!

SPEECH FROM THE THRONE

MOTION FOR ADDRESS IN REPLY—
DEBATE CONTINUED

On the Order:

> Resuming debate on the motion of the Honourable Senator Jaffer, seconded by the Honourable Senator Cordy:
>
> That the following Address be presented to His Excellency the Governor General of Canada:
>
> To His Excellency the Right Honourable David Johnston, Chancellor and Principal Companion of the Order of Canada, Chancellor and Commander of the Order of Military Merit, Chancellor and Commander of the Order of Merit of the Police Forces, Governor General and Commander-in-Chief of Canada.
>
> MAY IT PLEASE YOUR EXCELLENCY:
>
> We, Her Majesty's most loyal and dutiful subjects, the Senate of Canada in Parliament assembled, beg leave to offer our humble thanks to Your Excellency for the gracious Speech which Your Excellency has addressed to both Houses of Parliament.

Hon. Colin Deacon: Honourable senators, it's with a tremendous sense of honour and responsibility that I rise in this chamber for the first time, speaking in reply to the Speech from the Throne.

I must begin by noting that I was appointed last June and it's now the beginning of October. My family and friends will never believe that I've been in any room that long without speaking. I'll refer them to Hansard for evidence.

I want to begin by thanking Senator Harder, Senator Smith, Senator Woo and Senator Downe for the very kind words they said upon my introduction to the chamber last June.

I also want to thank the Prime Minister, the Right Honourable Justin Trudeau, for recommending my appointment to this chamber. His only request during our conversation was that I use my new position to "challenge the government." I trust he won't regret that. I look forward to joining you as we consider and debate policies and legislation to advance economic and social opportunity in Canada.

The Speech from the Throne that opened this Parliament almost three years ago began with the following statement:

> I call on all parliamentarians to work together, with a renewed spirit of innovation, openness and collaboration.

Honourable senators, those three words have been at the core of my life: innovation, openness and collaboration.

I began my career 39 years ago — hard to believe, amazing looking back — in the world of finance. I was working as an oil and gas research analyst in "the City," London, England's storied financial district. I learned a lot in my 10 years as an investment adviser in London, Toronto and here in Ottawa. I learned about the importance of building relationships based on mutual respect and trust. I learned about accountability, regulation and ethics. I learned about what motivates and what doesn't. While I concluded that this field wasn't for me, the experience I gained proved highly valuable when I did stumble upon my passion, the world of innovation and start-ups.

A lot of people hear the word "start-up" and they immediately think about the end product, a cutting-edge technology, but that's backwards in my experience. Start-ups are about addressing a problem, a need, a priority. I found that the most successful start-ups begin with a great problem, a clearly definable problem faced by identifiable people whether they recognize it or not, a problem where value is created as it's addressed. I think I've come to the right place because the Senate shares responsibility for helping our nation to deal with some pretty complex problems.

I grew up on a farm in southern Ontario. I often heard the adage, "If it ain't broke, don't fix it." What was true on the farm is true for start-ups. It doesn't matter how cool the technology or the research or the policy solution might be, make sure you really understand the problem before you try and fix it.

• (1510)

My introduction to the start-up world came through work I did with the Medical Research Council of Canada, now the Canadian Institutes of Health Research, about 25 years ago. I quickly found that Canada has some of the very best medical researchers in the world, doing extraordinary work in university and hospital labs across our country. Too much of that knowledge sits in labs never delivering benefits to patients, opportunities to providers or jobs and wealth to communities. One of the main reasons is a failed connection between the researcher's discovery and the entrepreneurs and other partners who can successfully apply that solution to meet a pressing need.

If the research discovery is not connected to a specific customer and problem, then it's the proverbial tree falling in the forest with no one there to hear. When it works, when you bring Canadian research out of the university lab to a stage where it's actually applied, helping people in Canada and around the world, now that's satisfying.

That's been my experience with BlueLight Analytics. I came across a seemingly minor discovery at Dalhousie University, but it provided a unique insight into a really big clinical problem in restorative dentistry. That's the world of dental fillings and I know we all love those.

You'll be surprised to learn that there are more than $60 billion of fillings placed every year into North American mouths, but they're only lasting a third as long as they did two decades ago. The problem isn't the quality of the materials or the skill of the dentist, it's the information available to the dentist at the chair side. Unbeknownst to the dentist, the blue light or the curing light used to cure those fillings in patients' mouths — and many of you have had that done — often doesn't deliver the correct energy. This is an invisible problem that has a big impact on patient care.

At BlueLight we used our understanding of this problem to build a global business with customers in 35 countries. The talented team leading this work has expertise in dental materials, optics, machine learning, design thinking, the so-called "internet of things" and enterprise level sales. It started because of one small but important insight, but it is succeeding because it answers some very real problems faced by dental manufacturers and dentists.

We were only able to commercialize the technology because we raised seed capital from angel investors and because this private equity enabled us to access important federal programs like ACOA, SR&ED and IRAP.

I can personally attest to the importance of these federal programs for start-ups. They play a crucial role as Halifax and Atlantic Canada become a start-up hub, attracting investment from sophisticated investors in Europe, Seattle, Silicon Valley, Boston and even some pretty impressive groups in Upper and Lower Canada, as we say in the Maritimes.

I'll share one more story — about Kay MacPhee, a schoolteacher on Prince Edward Island, a single mother of two, one of whom was born profoundly deaf. Kay travelled across North America to learn the best techniques to teach her son to speak and read. In the mid-1970s, she stumbled upon the realization that those with dyslexia experienced tremendous improvements in their reading skills when she used the techniques that worked for hearing-impaired kids. This was a crucial discovery — a crucial insight. She developed a program called SpellRead, and it proved groundbreaking for people of all ages who were struggling to read. It actually worked.

I first discovered SpellRead by chance, when it was a small program being taught to 25 students in Charlottetown. The company was so small at that time that their business cards didn't even have an area code. We turned Kay's knowledge into a scalable program, built a team, raised some equity and eventually expanded to 200 individual locations.

The program was studied by leading U.S. researchers, written up in numerous publications and presented at the 2002 World Congress on Dyslexia. In all cases the researchers reported that SpellRead "closed the gap" in reading skills of severely reading disabled students as compared to their peers with normal reading skills.

But what I saw week after week made the reports, clinical studies and high praise pale by comparison. I got to visit inner city schools in New York City, Baltimore, Washington, D.C., and many other locations, and I got to meet these kids who struggled with reading and other significant barriers in their lives.

It was deeply inspiring to watch kids in the SpellRead classes as their world started to open up before them. Whether in Grade 1, Grade 9 or an adult, the students needed no convincing as to the importance of learning to read, they just needed to be provided a program that worked.

We all know the statistics — the high correlation between literacy skills, employment, economic success and good health. The impact of this innovation was truly priceless. But, again, the idea itself — in this case the SpellRead program — is of limited value without a sustainable business case. Without it, 25 students benefited. But with it, thousands of students in 200 locations, mainly in the United States, were able to benefit from the program.

You will have noticed I said we were mainly in the United States. We tried and failed to interest Canadian schools in the program. As many of you know, Canada's illiteracy rate is far too high and disproportionately affects our most vulnerable citizens. Illiteracy has been the subject of 50 years of federal and provincial studies, legislative efforts and shared programs yet the problem persists.

Even this week, one of our colleagues spoke passionately about this important issue. I was more than pleased to realize that no fewer than five of my new colleagues — that I'm very glad to call my new colleagues — have spoken about the economic and social anchor of illiteracy in this chamber recently.

I believe the problem persists because of how we have defined it. For example, in the House of Commons — or perhaps I should say "the other place" — there have been repeated efforts to pass a bill establishing a national literacy policy promoting appreciation of the importance of literacy. I believe that bill misses the boat. It's focuses on the wrong problem.

I've met hundreds of people who struggle with literacy but not one who lacked the desire to learn to read or awareness of its importance. Too often they avoid seeking help to avoid the pain of repeated failure. I think it's fundamentally unfair to ask some of our most vulnerable citizens to try harder, unless we're absolutely certain that we're using effective, evidence-based instructional methods.

As I say, that was the approach in the other place. This chamber took a different approach in the 2009 report from the Senate Social Affairs Committee, called *Early Childhood Development and Care: Next Steps*. It supported an evidence-based approach to reducing the risk of illiteracy and helping our most vulnerable citizens to succeed. It proposed using evidence-based programming to ensure that all children have effective foundational skills.

You wouldn't think that would be groundbreaking in 2009 but it was. From my perspective, the report connected the right problem to the right solution. SpellRead provided me with irrefutable evidence that the problem is never one of motivation; the problem is that our current teaching methods aren't working for too many kids. Students aren't failing; we're failing students.

Colleagues, I hope you see why I am so passionate about start-ups. They're about so much more than just technology. They're about helping real people to solve real problems. That's why I applied to become a member of this chamber.

I want to amplify the voices of entrepreneurs in the Senate of Canada so that together we can work to create and improve the conditions to enable our entrepreneurs and innovators to thrive and grow. They're the prow of our economic ship. Theirs are the voices that are creating our future. The problems they're grappling with are our problems, too. The potential is tremendously exciting.

But there's a lot of work to do. In May, the Conference Board of Canada issued its annual report card on innovation, reporting that Canada and nearly all of our provinces are losing ground as our international peers are surging ahead. That report makes for sober reading, but there is a bright spot. Canada earned its only A for entrepreneurial ambition, which is, in the words of this report, "a measure of the share of the working-age population reporting early-stage entrepreneurial activity, such as attempts to establish or own a new business."

This says that Canadians are ready to seize the opportunities of this age of innovation. They're not looking for government to prop them up, but they are looking for government to help them push ahead.

The world is being transformed by disruptive technologies and the potential seems limitless, but we cannot afford to watch from the sidelines. Today, if you aren't disrupting then you had better look out because you're in the midst of being disrupted. That's true for our whole economy.

For some perspective on how fast the world is changing just remember that 10 years ago there was no Uber, Kickstarter, bitcoin, and even the iPads we all use in this chamber didn't yet exist. SkipTheDishes was just an idea five or six years ago. Now it's a huge employer in Winnipeg and Saskatoon.

The perspective I intend to bring to the scrutiny of legislation is grounded in my experience. What I've seen makes me hopeful that what works in the world of innovation can benefits the world of public policy and legislative review. That is, to first understand the problem before looking to design or scrutinize a proposed solution, to test your hypothesis and have your decision informed by evidence and to remember that perfection is the enemy of progress.

• (1520)

Annette Verschuren is a hero of mine. You will likely know her as one of Canada's most successful executives. She co-founded Michaels Stores in Canada, led Home Depot Canada's growth and is now chair and CEO of NRStor, a leader in commercializing energy storage technologies.

Annette didn't come from the corporate world or a life of privilege. She grew up as part of an immigrant family that struggled to make ends meet on a dairy farm in North Sydney, Cape Breton.

In her book, *Bet On Me*, Annette describes "good" and "bad" as blindfolds, dividing the world into false dichotomies with each side unable or unwilling to see the other's point of view. She's written that:

> . . . this Good/Bad blindfold is killing the ability to innovate and collaborate at a time in history when we need innovation and inspired leadership more than ever before.

Annette's approach is "not good, not bad, only better." I agree with that. It applies to the business world and it applies to this chamber as well.

We've all seen the polarizing effect of opposing sides arguing their own "good" against the other side's "bad," and the result is that nothing — or very little — actually gets done.

There is a lot of talk, in this chamber and around the world, about the best ways to combat the dangers of polarization. Colleagues, in my short time here, I've been given hope. I've seen issues of great importance debated and assessed with seriousness and respect. Very different viewpoints are presented, but the goal increasingly is not focused on good or bad, but better. I'm so proud and honoured to be part of that kind of political debate.

I look forward to working with each of you in the weeks and months and, hopefully, years ahead.

I cannot close without acknowledging my debt to my wife, Jennifer. Thank you for encouraging me to set out on this new path. As always, we travel it together. Thank you.

Hon. Senators: Hear, hear!

(On motion of Senator Bellemare, debate adjourned.)

[*Translation*]

THE SENATE

MOTION TO AFFECT QUESTION PERIOD ON OCTOBER 16, 2018, ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 3, 2018, moved:

> That, in order to allow the Senate to receive a Minister of the Crown during Question Period as authorized by the Senate on December 10, 2015, and notwithstanding rule 4-7, when the Senate sits on Tuesday, October 16, 2018, Question Period shall begin at 3:30 p.m., with any proceedings then before the Senate being interrupted until the end of Question Period, which shall last a maximum of 40 minutes;
>
> That, if a standing vote would conflict with the holding of Question Period at 3:30 p.m. on that day, the vote be postponed until immediately after the conclusion of Question Period;
>
> That, if the bells are ringing for a vote at 3:30 p.m. on that day, they be interrupted for Question Period at that time, and resume thereafter for the balance of any time remaining; and
>
> That, if the Senate concludes its business before 3:30 p.m. on that day, the sitting be suspended until that time for the purpose of holding Question Period.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

ADJOURNMENT

MOTION ADOPTED

Hon. Diane Bellemare (Legislative Deputy to the Government Representative in the Senate), pursuant to notice of October 3, 2018, moved:

> That, when the Senate next adjourns after the adoption of this motion, it do stand adjourned until Tuesday, October 16, 2018, at 2 p.m.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

INTERNAL ECONOMY, BUDGETS AND ADMINISTRATION

TWENTY-NINTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-ninth report (interim) of the Standing Committee on Internal Economy, Budgets and Administration (*In Camera Proceedings*), presented in the Senate on September 18, 2018.

Hon. Sabi Marwah moved the adoption of the report.

He said: Honourable senators, I rise today in support of the adoption of the twenty-ninth report of the Standing Committee on Internal Economy, Budgets and Administration. This report, which deals with the committee's authority to proceed in camera, was adopted by CIBA on June 21 and presented in the Senate on September 18.

As background for senators, historically the meetings of CIBA have taken place in camera. This practice was recently changed, and during the current session of Parliament, the committee now conducts the vast majority of its business in public. However, from time to time, the committee is required to deal with sensitive matters, and when dealing with those issues, it has proceeded to discuss those matters in camera.

However, according to rule 12-16(1) of the *Rules of the Senate*, all committees of the Senate may meet in camera, but only for purposes of discussing one of the following items: wages, salaries and benefits; contracts and contract negotiations; labour relations and personnel matters; and a draft agenda or draft report.

This rule may address the needs of other committees; however, it does not include all situations for which CIBA should be able to meet in camera. For instance, in the past, the committee has decided to meet in camera to discuss issues related to security or litigation.

Despite the sensitivity and confidentiality requirements related to some of these issues, there is no specific provision in rule 12-16(1) that would allow the committee to meet in camera to discuss those matters.

Honourable senators, it is not the best practice nor in the Senate's best interests to discuss these issues in public. This in no way diminishes our commitment to be transparent and accountable with respect to our deliberations. We must remain cognizant of the fact that, occasionally, we have the duty to protect the confidentiality of those asked to appear before the committee and the information they provide.

To address this gap in the *Rules of the Senate*, the report recommends that the Standing Committee on Rules, Procedures and the Rights of Parliament examine the possibility of amending the *Rules of the Senate* to give the Standing Committee on Internal Economy, Budgets and Administration the necessary discretion to meet in camera when required.

I hope, colleagues, that you support adoption of this report. Thank you.

Hon. Marilou McPhedran: I have a question. Would you take a question, senator?

• (1530)

Senator Marwah: Yes.

Senator McPhedran: The motion in this report — the reference to rules — is to authorize meetings in camera. I would wonder if you could shed some light on the record in terms of decisions made.

I'll give you a specific example. There have been some concerns about decisions made by CIBA around litigation — a payment to lawyers in what might be termed settling harassment cases, where there has been no way of knowing whether in fact in effect hush money or a gag agreement has been effectuated through the CIBA process such that money is being paid to a lawyer that appears as a litigation fee, which presumably could be part of an in-camera discussion, yet there is no way of actually knowing whether that occurred.

I wonder if you could help me understand at least.

Senator Marwah: Thank you, senator, for that question.

I must admit, having joined CIBA only recently, I'm not aware of any payments of this nature that have taken place. However, I would assume that the minutes of the meetings of CIBA that are in camera would cover those deliberations and be recorded in those minutes. I'm not sure who has access to the minutes, but they should be in the minutes.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: It was moved by the Honourable Senator Marwah, seconded by the Honourable Senator Boniface, that this report be adopted now.

Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

DEPARTMENT OF HEALTH ACT

BILL TO AMEND — FIRST READING

The Hon. the Speaker informed the Senate that a message had been received from the House of Commons with Bill C-326, An Act to amend the Department of Health Act (drinking water guidelines).

(Bill read first time.)

The Hon. the Speaker: Honourable senators, when shall this bill be read the second time?

(On motion of Senator Harder, bill placed on the Orders of the Day for second reading two days hence.)

[*English*]

AGRICULTURE AND FORESTRY

BUDGET — STUDY ON HOW THE VALUE-ADDED FOOD SECTOR CAN BE MORE COMPETITIVE IN GLOBAL MARKETS — THIRTEENTH REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the thirteenth report of the Standing Senate Committee on Agriculture and Forestry (*Budget — study on how the value-added food sector can be more competitive in global markets — power to hire staff and to travel*), presented in the Senate on October 4, 2018.

Hon. Diane F. Griffin moved the adoption of the report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

BANKING, TRADE AND COMMERCE

BUDGET AND AUTHORIZATION TO TRAVEL — STUDY ON ISSUES AND CONCERNS PERTAINING TO CYBER SECURITY AND CYBER FRAUD — TWENTY-THIRD REPORT OF COMMITTEE ADOPTED

The Senate proceeded to consideration of the twenty-third report of the Standing Senate Committee on Banking, Trade and Commerce (*Budget — study on issues and concerns pertaining to cyber security and cyber fraud – power to travel*), presented in the Senate on October 4, 2018.

Hon. Douglas Black moved the adoption of the report.

The Hon. the Speaker: It was moved by the Honourable Senator Black (*Alberta*), seconded by the Honourable Senator Mitchell, that this report be adopted.

Are honourable senators ready for the question?

Some Hon. Senators: Question.

The Hon. the Speaker: Senator Munson has a question.

Hon. Jim Munson: I think that we should not lose the institutional knowledge of Senator Joan Fraser. When she was here, she always asked very briefly and very affirmatively — and I should have asked Senator Griffin as well, but I was caught in a

conversation — the following: Could you please explain to us the money that's being spent and why you're going to New Brunswick?

Senator D. Black: Thank you for that opportunity, because I think it's a great opportunity.

The Senate Banking Committee has just completed what I think is an important piece of work in respect of cybersecurity. One of our key recommendations, which I'll keep you all in suspense about because we haven't released the report, has something to do with education. So we thought that it would be very appropriate to launch our study at one of the two facilities in Canada that trains people in cybersecurity at a graduate level. One is the University of New Brunswick in Fredericton and one is Waterloo University in Ontario.

We thought that Waterloo gets a lot of attention, as it should, being a fabulous university, so we thought, "Why don't we go to New Brunswick?" So we're going to New Brunswick to launch this study. There's tremendous excitement at the University of New Brunswick. They're very excited to welcome senators. So we're going to go down, and we're going to spend up to $10,974. I don't think we'll spend it all.

Thank you for the opportunity. That's what we intend to do.

The Hon. the Speaker: Are honourable senators ready for the question?

Hon. Senators: Question.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to and report adopted.)

[*Translation*]

NATIONAL FINANCE

COMMITTEE AUTHORIZED TO STUDY THE PROCESSES AND FINANCIAL ASPECTS OF THE GOVERNMENT'S SYSTEM OF DEFENCE PROCUREMENT

Hon. Percy Mockler, pursuant to notice of October 3, 2018, moved:

> That the Standing Senate Committee on National Finance be authorized to examine and report on the processes and financial aspects of the Government of Canada's system of defence procurement.
>
> That, in conducting such a study, the committee take particular note of the extent to which the defence procurement processes:
>
> - incorporate mechanisms to ensure value-for-money and Canadian economic benefits are achieved;
> - utilize cost effective, timely and efficient procedures;
> - clearly and transparently report on planned and actual expenditures;
> - compare processes and costs from other markets around the world; and
> - other related matters.
>
> That the committee submit its final report to the Senate no later than December 31, 2019, and retain all powers necessary to publicize its findings for 180 days after tabling of the final report.

The Hon. the Speaker: Is it your pleasure, honourable senators, to adopt the motion?

Hon. Senators: Agreed.

(Motion agreed to.)

[*English*]

DECIMATION OF ATLANTIC SALMON SPAWNING GROUNDS

INQUIRY—DEBATE ADJOURNED

Hon. David Richards rose pursuant to notice of October 2, 2018:

> That he will call the attention of the Senate to the decimation of Atlantic salmon spawning grounds on the Miramichi, Restigouche and their tributaries.

He said: Honourable senators, I am going to talk about my river for a bit. What we call fish on a river, which is salmon — we call trout, trout; we call mackerel, mackerel, but when we talk about fish, we talk about salmon.

I'm going to read a little bit about it here. I cannot overemphasize the crisis our Atlantic salmon are in and how, if something is not done immediately to address the situation, an entire species' way of life, hundreds of jobs and over $40 million a year will be lost on the salmon river systems of the East Coast, in particular the Miramichi, Restigouche and the tributaries that feed them. The decline in the last few years is not only alarming, it is staggering. The population of breeding stalk has reduced most significantly on the northwest and southwest Miramichi regions of New Brunswick, but all rivers are suffering.

There are things we have attempted to do to alleviate this. Recently, we were able to secure a 12-year moratorium from the Greenland fishery. We have halted the taking of salmon by anglers, stressing only hook and release. We have used fish hatcheries to release smolt into the river systems, hoping for survival rates to increase.

But the salmon in our river systems are now up against an unrelenting and voracious predator — a predator protected by our own fisheries department and coddled over the years until its

numbers so increased it not only competes with our salmon, it annihilates them. I am speaking of the striped sea bass, whose spawning grounds are unfortunately on the northwest Miramichi as well. Protected for years, they are now a plague upon us. Little action has been taken. And the concern we have shown is met with complete silence.

• (1540)

This is at least in part a man-made problem, the engineering of a species in order to re-establish bass numbers along the Northumberland Strait and St. Lawrence Seaway, with a complete disregard to what this voracious predator is now doing to salmon stock. This hauling the wool over the eyes of the DFO has never been new, but never has it been more cynically dismissive.

This might not seem very severe to urban Canadians, but this is every bit as devastating to our Atlantic salmon, to a whole way of life and a people's identity, as clear-cutting and global warming.

There are now close to a million bass coming into our Miramichi waters. This puts our yearly smolt generation — young salmon backing out into the sea, sorely needed to keep our salmon river alive — in desperate peril of never reaching open water. Salmon guides and outfitters are saying this is also happening on the great Restigouche and its tributaries.

The Minister of Fisheries must become more engaged. The Department of Fisheries must allow a culling of the bass by anglers, and the First Nations of Red Bank and Eel Ground must be allowed to harvest bass for commercial enterprise. That might be a start, but it has to start now, not in three or four years' time.

Honourable senators, the very word "Miramichi" is synonymous with Atlantic salmon. It is the centre of the Atlantic salmon world, its spawning beds and its historical breeding water. It is part of the very DNA of our river and our lives. In losing the Atlantic salmon, we lose not only monetarily but spiritually. This is a momentous moment for an entire people and a way of life.

Whatever can be done must be done. I cannot stress my concern deeply enough. It is too deep to measure.

Hon. Senators: Hear, hear!

Hon. Percy Mockler: Your Honour, I wonder if the honourable senator would accept a question.

[*Translation*]

First, I would like to take this opportunity to commend Senator Richards. Senator, I congratulate you on initiating this inquiry.

[*English*]

This inquiry is about our heritage and culture. We are the salmon people of the world, the Miramichi and the Restigouche rivers. Like you said, it is over $40 million on revenue for our people.

When I look at what you are embarking upon, we should all be proud of standing up to this particular disaster that's facing New Brunswick. When I speak about a disaster, I mean our economy is going to collapse.

I wanted to share this before I asked the question to you, sir. We must intervene now in order to stop and reverse the downward spiral of what's happening to two of the most beautiful rivers in the world. When we talk about salmon, we talk about the Restigouche and the Miramichi.

My question to you, sir: What are the guides and the outfitters saying about the condition of the salmon in those two rivers? I know that you have met with them, and you've done some round tables with them. What are they telling us? What are they telling the government?

Senator Richards: Thank you, senator. I've not only met and talked with them, I've fished with them my whole life. My uncle was a salmon guide on the Matapedia and Restigouche, and he guided people like Jimmy Carter and Mr. Hearst in the 1940s.

Our salmon river is a spiritual embodiment of who we are as people, not only for us but for the First Nations who were there for 3,000 years before us.

The guides are saying simply what I said in this brief report, that the salmon are disappearing, and the bass, especially in the northwest Miramichi, are spawning in the hundreds of thousands. The small salmon can't live.

The guides bring in sportsmen, and they spend two weeks there. They spend thousands of dollars, and they can't catch a fish. So the whole industry is going to collapse. It's going to collapse if something is not done to cull the bass.

It's a very easy solution. There are other problems, of course. We know that. There's the Greenland fishery that has the moratorium we just put on. There's global warming. The rivers are warming up. We know all of these problems, but the severest problem at the moment is one that can be addressed, and that is a culling of the bass population, which will not allow, at this present moment, our young salmon to survive.

(On motion of Senator Mockler, debate adjourned.)

(*At 3:45 p.m., the Senate was continued until Tuesday, October 16, 2018, at 2 p.m.*)

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